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Claim 18 has been amended to correct a typographical type error. This does not change the scope of the claim.

Due to the complexity of the references, when responding to the art rejections, Applicant will only consider those parts pointed to by the Examiner.

Independent claims 5 and 12-15

These claims stand rejected over Flammer in view of Hamabe.

Flammer relates to the field of wireless LAN communication, while Hamabe relates to the field of cellular mobile stations. These are different fields. Accordingly, Applicants respectfully submit that one of ordinary skill in the art would not combine them.

The following argument with respect to Hamabe is copied verbatim from a prior communication by Applicant.

Moreover, both of these claims recite that a first power level is selected to increase a probability of failed first transmission units and of consequent second information units transmission and to *minimize average power consumption* taking into account the first power level and the second power level. The first power level is the lowest level to correspond to a maximum allowable probability of failed first transmission units and consequent second information units.

Against this recitation, the Examiner cites Hamabe. Hamabe only teaches a gradual increase in the power level. The Examiner has pointed to no determinations or considerations of probability; and particularly there is no teaching or suggestion to determine average power taking into account first and second power levels, as recited. The Examiner states that the probability determinations are inherent. Applicants respectfully disagree. The levels pointed to by the Examiner appear only to be guesses, not based on probability determinations. Certainly, determinations of average power consumption in view of the many conditions, as recited in the claims, is not inherent.

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The Examiner has not responded to the above arguments. Applicant respectfully submits that this is improper.

Claim 21

The limitations of claim 21 have been added to claim 20.

The rejection of claim 21 is respectfully traversed.

As indicated before, it would not be obvious to combine the references because they are in different fields. Moreover, Flammer does not appear to be a real-time system, as claimed in claim 21. The Examiner rejects the real time limitations of claim 21 as obvious without support in the references for this rejection.

Moreover, even if, hypothetically, one were to conclude that it might be obvious to try to find a solution to such a real-time transmission problem does not make the solution obvious, especially in view of the lack of suggestion in the references.

Claim 18

Claim 18 recites transmitting first, second, and further information units. The second units allow the content of the first information units to be established. The further information units allow the first and/or second information units to be established. The second information units are at a second power level greater than the first power level. Each successive power level after the second progressively increases.

Against this recitation, the Examiner cites Flammer & Hamabc. As explained before, one of ordinary skill in the art would not combine these two references, because they are in different fields.

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However, even if, hypothetically, they could be combined, Flammer, cited by the Examiner shows only one re-transmission, at least in Fig. 5. Hamabc shows increases in power level in column 3, lines 50-57, but, so far as Applicants can tell, fails to teach or suggest any re-transmission at all.

Accordingly, the references are similarly deficient in failing to teach or suggest the further information units as claimed in claim 18.

Claim 16 & 24-27

In making these rejections, the Examiner says, without support, that forward error correction information is well-known in this art. Applicant respectfully submits that this rejection is improper. Without seeing the particular art relied upon by the Examiner, Applicant is unable to evaluate to what extent it would be obvious to combine it with the references of record or whether any hypothetical combination would lead to the invention as claimed. Accordingly, Applicant respectfully requests that — if the Examiner intends to persist in this rejection — all art relied upon be made of record.

Claim 30

This claim recites that transmitting second information units comprises transmitting a plurality of transmissions of further information, which plurality comprises a number of transmissions that is less than or equal to a threshold number, which threshold number depends upon a battery capacity of the transmitting station.

Against this recitation, the Examiner cites Flammer's Fig. 5. However, as far as Applicant can tell, this figure shows only one re-transmission of information, and then sending a new packet.

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There is no teaching or suggestion of second information units comprising a plurality of transmissions of further information; much less any indication of how a battery would be implicated.

Applicant accordingly respectfully submits that the Examiner has failed to present a *prima facie* case of obviousness against this claim.

Claim 31

This claim recites that the transmitting of first information comprises at least one re-transmission at the first power level prior to the transmission of the second information. In other words, this claim requires both re-transmission at the first power level AND transmission of second information units.

Again, the Examiner cites art not of record, i.e. regarding "NAK." Since the Examiner has not specified what is relied upon, Applicant is unable to evaluate this art, and is unable to determine whether it would be obvious to combine this art with the other art of record or whether any hypothetical combination would lead to the invention as claimed. Accordingly, Applicant respectfully submits that this rejection is improper. Therefore, Applicant respectfully requests that — if the Examiner intends to persist in this rejection — all art relied upon be made of record.

Claim 32

This claim recites upon reception, combining the first and second information to achieve recognition of an intended content. The Examiner has failed to indicate where this limitation may

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be taught or suggested in any of the references. Applicant therefore respectfully submits that the Examiner has failed to present a *prima facie* case of obviousness against this claim.

The Examiner's other rejections and/or points of argument not addressed would appear to be moot in view of the foregoing. Nevertheless, Applicant reserves the right to respond to those rejections and arguments and to advance additional arguments in the future.

Applicant respectfully submits that he has answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

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Respectfully submitted,

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